

IC 5-2-9

Chapter 9. Protective Order Depositories

IC 5-2-9-1

"Law enforcement agency" defined

Sec. 1. As used in this chapter, "law enforcement agency" means the department or agency of a city or town whose principal function is the apprehension of criminal offenders.

As added by P.L.53-1989, SEC.1.

IC 5-2-9-1.3

"County clerk" defined

Sec. 1.3. As used in this chapter, "county clerk" refers to the clerk of the circuit court.

As added by P.L.280-2001, SEC.3.

IC 5-2-9-1.5

Repealed

(Repealed by P.L.133-2002, SEC.69.)

IC 5-2-9-1.6

Repealed

(Repealed by P.L.133-2002, SEC.69.)

IC 5-2-9-2

Repealed

(Repealed by P.L.1-1991, SEC.26.)

IC 5-2-9-2.1a

"Indiana order" defined

Note: This version of section effective until 7-1-2002. See also following version of this section, effective 7-1-2002.

Sec. 2.1. (a) As used in this chapter, "Indiana order" means:

(1) a protective order issued under:

(A) IC 34-26-2-12(1)(A) (or IC 34-4-5.1-5(a)(1)(A) before its repeal);

(B) IC 34-26-2-12(1)(B) (or IC 34-4-5.1-5(a)(1)(B) before its repeal); or

(C) IC 34-26-2-12(1)(C) (or IC 34-4-5.1-5(a)(1)(C) before its repeal);

that orders the respondent to refrain from abusing, harassing, or disturbing the peace of the petitioner;

(2) an emergency protective order issued under IC 34-26-2-6(1), IC 34-26-2-6(2), or IC 34-26-2-6(3) (or IC 34-4-5.1-2.3(a)(1)(A), IC 34-4-5.1-2.3(a)(1)(B), or IC 34-4-5.1-2.3(a)(1)(C) before their repeal) that orders the respondent to refrain from abusing, harassing, or disturbing the peace of the petitioner;

(3) a temporary restraining order issued under IC 31-15-4-3(2) or IC 31-15-4-3(3) (or IC 31-1-11.5-7(b)(2), IC 31-1-11.5-7(b)(3), IC 31-16-4-2(a)(2), or IC 31-16-4-2(a)(3) before their repeal) that

orders the respondent to refrain from abusing, harassing, or disturbing the peace of the petitioner;

(4) a dispositional decree issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-19-5 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders a person to refrain from direct or indirect contact with a child in need of services or a delinquent child;

(5) an order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion that orders a person to refrain from any direct or indirect contact with another person;

(6) an order issued as a condition of probation that orders a person to refrain from any direct or indirect contact with another person;

(7) a protective order issued under IC 31-15-5 (or IC 31-1-11.5-8.2 or IC 31-16-5 before their repeal) that orders the respondent to refrain from abusing, harassing, or disturbing the peace of the petitioner;

(8) a protective order issued under IC 31-14-16 in a paternity action that orders the respondent to refrain from having direct or indirect contact with another person;

(9) a protective order issued under IC 31-34-17 in a child in need of services proceeding or under IC 31-37-16 in a juvenile delinquency proceeding that orders the respondent to refrain from having direct or indirect contact with a child; or

(10) an order issued by a court in Indiana under IC 34-26-2.5-4 to enforce a foreign protection order.

(b) Whenever an Indiana order is issued, the Indiana order must be captioned in a manner that indicates the type of order issued and the section of the Indiana Code that authorizes the protective order.

As added by P.L.1-1991, SEC.27. Amended by P.L.49-1993, SEC.1; P.L.23-1994, SEC.1; P.L.1-1997, SEC.32; P.L.37-1997, SEC.1; P.L.2-1998, SEC.13; P.L.1-1998, SEC.66; P.L.1-2001, SEC.2; P.L.280-2001, SEC.6; P.L.1-2002, SEC.15.

IC 5-2-9-2.1b

"Protective order" defined

Note: This version of section effective 7-1-2002. See also preceding version of this section, effective until 7-1-2002.

Sec. 2.1. (a) As used in this chapter, "protective order" means:

(1) a protective order issued under IC 34-26-5 (or, if the order involved a family or household member, IC 34-26-2-12(1)(A), IC 34-26-2-12(1)(B), IC 34-26-2-12(1)(C), IC 34-4-5.1-5(a)(1)(A), IC 34-4-5.1-5(a)(1)(B), or IC 34-4-5.1-5(a)(1)(C) before their repeal);

(2) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency protective order issued under IC 34-26-2-6(1), IC 34-26-2-6(2), or IC 34-26-2-6(3) or IC 34-4-5.1-2.3(a)(1)(A), IC 34-4-5.1-2.3(a)(1)(B), or IC 34-4-5.1-2.3(a)(1)(C) before their repeal);

- (3) a protective order issued under IC 31-15-4-1 (or IC 31-1-11.5-7(b)(2), IC 31-1-11.5-7(b)(3), IC 31-16-4-2(a)(2), or IC 31-16-4-2(a)(3) before their repeal);
- (4) a dispositional decree containing a no contact order issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-19-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order containing a no contact order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal);
- (5) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion;
- (6) a no contact order issued as a condition of probation;
- (7) a protective order issued under IC 31-15-5-1 (or IC 31-1-11.5-8.2 or IC 31-16-5 before their repeal);
- (8) a protective order issued under IC 31-14-16-1 in a paternity action;
- (9) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding; or
- (10) a workplace violence restraining order issued under IC 34-26-6.

(b) Whenever a protective order, no contact order, or workplace violence restraining order is issued by an Indiana court, the Indiana court must caption the order in a manner that indicates the type of order issued and the section of the Indiana Code that authorizes the protective order, no contact order, or workplace violence restraining order. The Indiana court shall also place on the order the court's hours of operation and telephone number with area code.

As added by P.L.1-1991, SEC.27. Amended by P.L.49-1993, SEC.1; P.L.23-1994, SEC.1; P.L.1-1997, SEC.32; P.L.37-1997, SEC.1; P.L.2-1998, SEC.13; P.L.1-1998, SEC.66; P.L.1-2001, SEC.2; P.L.280-2001, SEC.6; P.L.1-2002, SEC.15; P.L.133-2002, SEC.3.

IC 5-2-9-3

"Sheriff" defined

Sec. 3. As used in this chapter, "sheriff" refers to a county sheriff.
As added by P.L.53-1989, SEC.1.

IC 5-2-9-4

Repealed

(Repealed by P.L.1-1991, SEC.28.)

IC 5-2-9-5

Depository established

Sec. 5. A depository is established in the office of each sheriff and law enforcement agency in Indiana for the purpose of collecting, maintaining, and retaining the following:

- (1) Protective orders.
- (2) No contact orders.
- (3) Workplace violence restraining orders.

As added by P.L.1-1991, SEC.29. Amended by P.L.49-1993, SEC.2;

P.L.1-1997, SEC.33; P.L.1-1998, SEC.67; P.L.1-2001, SEC.3; P.L.280-2001, SEC.7; P.L.133-2002, SEC.4.

IC 5-2-9-6

Copies of orders issued; confidential file; confidential form; depository

Sec. 6. (a) The clerk of a court that issues a protective order, no contact order, or workplace violence restraining order shall provide a copy of the order to the following:

- (1) Each party.
- (2) A law enforcement agency of the municipality in which the person protected by the protective order, no contact order, or workplace violence restraining order resides.
- (3) If the person protected by the protective order, no contact order, or workplace violence restraining order does not reside in a municipality, the sheriff of the county in which the protected person resides.

(b) The clerk of a court that issues a protective order, no contact order, or workplace violence restraining order or the clerk of a court in which a petition is filed shall:

- (1) maintain a confidential file to secure any confidential information about a protected person designated on a uniform statewide form prescribed by the division of state court administration; and
- (2) provide a copy of the confidential form that accompanies the protective order, no contact order, or workplace violence restraining order to the following:

(A) The sheriff of the county in which the protective order, no contact order, or workplace violence restraining order was issued.

(B) The law enforcement agency of the municipality, if any, in which the protected person resides.

(C) Any other sheriff or law enforcement agency designated in the protective order, no contact order, or workplace violence restraining order that has jurisdiction over the area in which a protected person may be located or protected.

(c) A sheriff or law enforcement agency that receives a protective order, no contact order, or workplace violence restraining order under subsection (a) and a confidential form under subsection (b) shall:

- (1) maintain a copy of the protective order, no contact order, or workplace violence restraining order in the depository established under this chapter;
- (2) enter:

(A) the date and time the sheriff or law enforcement agency receives the protective order, no contact order, or workplace violence restraining order;

(B) the location of the person who is subject to the protective order, no contact order, or workplace violence restraining order, if reasonably ascertainable from the information received;

(C) the name and identification number of the officer who

serves the protective order, no contact order, or workplace violence restraining order;

(D) the manner in which the protective order, no contact order, or workplace violence restraining order is served;

(E) the name of the petitioner and any other protected parties;

(F) the name, Social Security number, date of birth, and physical description of the person who is the subject of the protective order, no contact order, or workplace violence restraining order, if reasonably ascertainable from the information received;

(G) the date the protective order, no contact order, or workplace violence restraining order expires;

(H) a caution indicator stating whether a person who is the subject of the protective order, no contact order, or workplace violence restraining order is believed to be armed and dangerous, if reasonably ascertainable from the information received; and

(I) if furnished, a Brady record indicator stating whether a person who is the subject of the protective order, no contact order, or workplace violence restraining order is prohibited from purchasing or possessing a firearm or ammunition under federal law, if reasonably ascertainable from the information received;

on the copy of the protective order, no contact order, or workplace violence restraining order or the confidential form; and

(3) establish a confidential file in which a confidential form that contains information concerning a protected person is kept.

(d) A protective order, no contact order, or workplace violence restraining order may be removed from the depository established under this chapter only if the sheriff or law enforcement agency that administers the depository receives:

(1) a notice of termination on a form prescribed or approved by the division of state court administration;

(2) an order of the court; or

(3) a notice of termination and an order of the court.

(e) If a protective order, no contact order, or workplace violence restraining order in a depository established under this chapter is terminated, the person who obtained the order must file a notice of termination on a form prescribed or approved by the division of state court administration with the clerk of the court. The clerk of the court shall provide a copy of the notice of termination of a protective order, no contact order, or workplace violence restraining order to each of the depositories to which the protective order, no contact order, or workplace violence restraining order and a confidential form were sent. The clerk of the court shall maintain the notice of termination in the court's file.

(f) If a protective order, no contact order, or workplace violence restraining order or form in a depository established under this chapter is extended or modified, the person who obtained the extension or modification must file a notice of extension or modification on a form prescribed or approved by the division of state court administration

with the clerk of the court. The clerk of the court shall provide a copy of the notice of extension or modification of a protective order, no contact order, or workplace violence restraining order to each of the depositories to which the order and a confidential form were sent. The clerk of the court shall maintain the notice of extension or modification of a protective order, no contact order, or workplace violence restraining order in the court's file.

(g) The clerk of a court that issued an order terminating a protective order, no contact order, or workplace violence restraining order that is an ex parte order shall provide a copy of the order to the following:

- (1) Each party.
- (2) The law enforcement agency provided with a copy of a protective order, no contact order, or workplace violence restraining order under subsection (a).

As added by P.L.23-1994, SEC.2. Amended by P.L.31-1996, SEC.3; P.L.32-1996, SEC.3; P.L.280-2001, SEC.8; P.L.133-2002, SEC.5.

IC 5-2-9-6.3

Repealed

(Repealed by P.L.133-2002, SEC.69.)

IC 5-2-9-7

Confidentiality

Sec. 7. (a) Any information:

- (1) in a uniform statewide confidential form or any part of a confidential form prescribed by the division of state court administration that must be filed with a protective order, no contact order, or workplace violence restraining order; or
 - (2) otherwise acquired concerning a protected person;
- is confidential and may not be divulged to any respondent or defendant.

(b) Information described in subsection (a) may only be used by:

- (1) a court;
- (2) a sheriff;
- (3) another law enforcement agency;
- (4) a prosecuting attorney; or
- (5) a court clerk;

to comply with a law concerning the distribution of the information.

As added by P.L.23-1994, SEC.3. Amended by P.L.280-2001, SEC.10; P.L.133-2002, SEC.6.

IC 5-2-9-8

Entry of information into IDACS

Sec. 8. A law enforcement agency that receives a copy of a protective order, no contact order, or workplace violence restraining order shall enter the information received into the Indiana data and communication system (IDACS) computer under IC 5-2-5-12 upon receiving a copy of the order.

As added by P.L.31-1996, SEC.4 and P.L.32-1996, SEC.4. Amended by P.L.280-2001, SEC.11; P.L.133-2002, SEC.7.